

## **JUDGE'S PROCEDURAL RULES AND POLICIES**

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Workers' Compensation Judge. All documents, including evidence and briefs, that would have been submitted to a Workers' Compensation Judge by mail or in person prior to WCAIS should now be uploaded into WCAIS. If Social Security numbers appear on any such document, they should be completely redacted before the document is uploaded, unless otherwise specified below. All communications with the Judge, including but not limited to requests, should be submitted through WCAIS unless otherwise specified by the Judge.

## **HEARING PROCEDURES**

### **1. What is the first event and what will occur?**

A pre-trial hearing will be scheduled on all petitions via Microsoft Teams. A scheduling order will be issued. No testimony will be heard.

#### **a. List any documents required at the first event:**

Any documents relevant to the pending petitions should be uploaded, including but not limited to supersedeas exhibits.

#### **b. Should documents be uploaded as Exhibits or Letters to the Judge?**

Documents that are going to be admitted as exhibits should be uploaded as exhibits.

### **2. Describe the format of your hearings (e.g., serial, one day – one trial).**

All pre-trial and status hearings are held virtually via Teams. Serial hearings are utilized. A hearing will be scheduled 90 days after the first hearing for the submission of the moving party's evidence, followed by a hearing 90 days thereafter for the submission of the responding party's evidence, testimony where appropriate, and close of the record. Dresher cases may/might be scheduled in person for Claimant's testimony at the final hearing depending on the status of the pandemic, Claimant's ability to utilize technology, and the issues involved in the case.

### **3. Are you willing to change the hearing format upon request?**

Yes, depending on the circumstances in a particular case. Virtual hearings are preferred and are the default for all non-testimony hearings.

### **4. What factors will you consider in deciding whether to conduct a hearing in-person?**

I will consider the status of the pandemic and the health and safety of all participants.

### **5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video?**

All hearings involving testimony, whether claimant or a fact witness, require video. Parties may appear by either audio or video for pre-trial or status hearings, although video is preferred.

### **6. What procedure do you follow if a party fails to appear at a hearing?**

Typically, the matter will be relisted for a hearing in 30 days.

**7. Do you have special procedures for psychological injury cases?**

No.

**SUPERSEDEAS PROCEDURES**

**1. What are your procedures for supersedeas hearings?**

A supersedeas hearing is treated as a pre-trial hearing.

**a. Will testimony be heard?**

No.

**b. Is additional time generally granted to obtain medical evidence?**

Generally, the responding party is granted 14 days to upload supersedeas exhibits.

**c. Under what circumstances will you reconsider a supersedeas order?**

Upon request of either party if new evidence is available. The request will be addressed either by Interlocutory Order or a hearing will be held to address the reconsideration request.

**d. Do you generally use written orders for denials?**

Yes.

**e. What is required for employee's counsel to obtain interim fee approval?**

Submission of the attorney fee agreement and acknowledgement by claimant of the fee agreement in claimant's affidavit.

**f. Describe any other procedures for supersedeas hearings:**

**g. Describe procedures for special supersedeas hearings, if different:**

**WITNESSES/EXHIBITS**

**1. What are your rules regarding taking testimony?**

On claimant-filed petitions, claimant shall testify initially by deposition and updated testimony shall be heard at the final hearing. Employer attorneys may schedule the deposition of claimant as of cross on defense petitions if desired.

**2. Do you require testimony at a virtual hearing, an in-person hearing, or by deposition?**

Claimant's testimony will first be taken by deposition and then will be taken during a virtual video hearing before the close of the record. Other testimony may be taken by deposition or at a virtual hearing upon request of a party. Expert witnesses are to be taken by deposition and most fact witnesses may be taken by deposition.

**3. Under what circumstances will you change your requirements for presentation of testimony?**

A request will be reviewed on a case-by-case basis if there are extenuating circumstances.

- 4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Yes. If yes, how much notice do you require?** Notice should be given at the hearing prior to the hearing at which testimony will be heard.

- 5. What is your procedure regarding the order of expert medical testimony when cross petitions are filed?**

The party that filed the earlier petition shall proceed with its evidence first. If a Review Petition is filed after a Termination Petition, the employer will be granted the opportunity to schedule a new IME if necessary to address the allegations of the Review Petition.

- 6. Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?**

It is generally preferred that the parties upload the documents.

- 7. Do you require counsel to upload exhibits to WCAIS before or after the hearing?** Exhibits should be uploaded prior to the hearing at which they will be moved into evidence. **If before, how far in advance of the hearing must they be uploaded?** Exhibits should be uploaded at least 24 hours prior to the hearing.

- 8. When will you rule on objections to exhibits?**

A ruling will be made at the time an objection is made or upon receiving a written objection and response.

- 9. What is your procedure for handling discovery disputes?**

I prefer the attorneys work out disputes themselves. If necessary, I will participate in a telephone conference or a hearing will be scheduled to address disputes.

- 10. What is the last day to file written preservations of deposition objections?**

The parties may file preservations with briefs (as a separate exhibit) if the objections do not need to be ruled upon prior to the close of the record.

### **COMPROMISE & RELEASES (C&Rs)**

- 1. Describe your procedures regarding the review of C&R Agreements:**

The C&R Agreement will be reviewed prior to the hearing. Counsel will question claimant during the C&R hearing.

- a. Are you willing to allow amendments of existing petitions or do you require the filing of a separate Petition Seeking Approval of a C&R Agreement?**

Existing petitions may be amended.

- b. Are parties required to provide a draft of the C&R Agreement before the hearing? Yes. If yes, how far in advance of the hearing do you need to receive it?**

The C&R Agreement must be uploaded at least 24 hours prior to the hearing.

- c. Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?**

The C&R Agreement and any additional exhibits must be uploaded at least 24 hours prior to the hearing.

- d. Should child support documents be uploaded as a separate exhibit?**

They may be uploaded separately or as part of the C&R Agreement.

- e. Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?**

Yes.

- f. Will you sign bench orders?**

No.

- g. Describe any other procedures you have for C&R Agreements:**

Claimant must testify by video unless there are extenuating circumstances. Approval for non-video testimony must be requested prior to the hearing.

### **STIPULATIONS RESOLVING DISPUTES**

- 1. What are your usual procedures regarding the submission, review, and adoption of stipulations?**

A fully executed stipulation must be uploaded as an exhibit in WCAIS, after which it will be reviewed and an order will be circulated if the stipulation is approved.

- 2. Should the fee agreement be part of the stipulation or separate exhibit?**

Either is acceptable.

- 3. Should child support documents be uploaded as a separate exhibit?**

They may be uploaded separately or as part of the stipulation.

- 4. What other exhibits should be uploaded (i.e. medical bills, etc.)?**

The parties should upload any additional exhibits that they would like attached to the decision.

- 5. Should other exhibits uploaded as be part of the stipulation or as separate exhibits?**

Separate exhibits.

- 6. When should Social Security numbers and other confidential information be redacted from the stipulation and Act 109 documents?**

Always.

- 7. Describe any other procedures you have for stipulations:**

## **BRIEFS AND PROPOSED FINDINGS**

**1. Will you close a case via WCAIS submission or is a final hearing required?**

A final hearing is required to review the evidence of record and set a briefing schedule.

**2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met?**

The moving party has 30 days for submission of the brief and the responding party has 30 days thereafter for the submission of the brief. A decision may be circulated without the submission of both briefs if the briefs are not timely uploaded.

**3. Describe any preferences regarding the format and content of final submissions:**

Proposed Findings should contain a fair representation of the evidence submitted by both parties. Proposed Findings should include a finding as to why a witness is credible or why one witness is more credible than another witness. Argument should be contained in briefs and not Proposed Findings. Submission in Word format is preferred.

## **MANDATORY MEDIATIONS**

**1. List the offices where you conduct mandatory mediations:**

I conduct virtual mandatory mediations on disputes assigned to Dresher.

**2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in-person?**

All mediations will be conducted virtually.

**3. What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video?**

Video participation is preferred but audio participation is permitted.

**4. Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? If so, under what circumstances?**

Not applicable

**5. Do you require a Mediation Statement? Yes. If yes:**

**a. What information do you require in that Statement?**

The petitions that are pending, the average weekly wage and compensation rate, what settlement discussions have occurred, and what issues are negotiable or non-negotiable.

**b. What documents, if any, must accompany the Statement?**

None.

- c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

48 hours prior to the mediation.

6. **If there is a request to postpone a mandatory mediation, will it be rescheduled?** It depends on the circumstances of the request. **If so, how long until it is rescheduled?** It depends on the Judge's schedule.

7. **Are you willing to conduct more than one mandatory mediation session per Dispute?**

Generally, no.

8. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

The request should be made no later than seven days prior to the mediation.

9. **What else should the parties know or do before the mediation?**

Both parties need to have reasonable settlement authority in advance of the mediation.

### **VOLUNTARY MEDIATIONS**

1. **Do you conduct Voluntary Mediations?**

I will conduct virtual voluntary mediations on disputes assigned to a Malvern or Dresher Judge as my schedule permits.

2. **How should the parties request a Voluntary Mediation?**

Requests should be made via WCAIS.

3. **List the locations where you conduct in-person voluntary mediations:**

None.

4. **Will you conduct virtual voluntary mediations? If yes, for which WCOA Districts will you conduct them?**

I will conduct voluntary mediations for Dresher and Malvern disputes as my schedule allows.

5. **Do you mediate Disputes assigned to you for hearing and decision?**

No.

6. **Do you mediate Disputes in which one or both parties are unrepresented? If yes, describe any special procedures you have for such cases:**

No.

- 7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person?**  
All mediations will be conducted virtually.
- 8. What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or by audio with video?**  
Video participation is preferred but audio participation is permitted.
- 9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? If so, under what circumstances?**
- 10. Do you require a Mediation Statement? Yes. If yes:**
- a. What information do you require in that Statement?**  
The petitions that are pending, the average weekly wage and compensation rate, what settlement discussions have occurred, and what issues are negotiable or non-negotiable.
- b. What documents, if any, must accompany the Statement?**  
None.
- c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**  
48 hours prior to the mediation.
- 11. After you approve a Voluntary Mediation Request, how long until it is scheduled?**  
It is dependent on my schedule.
- 12. Are you willing to conduct more than one voluntary mediation session per Dispute?**  
Yes.
- 13. If the party wants to request cancellation or postponement of a voluntary mediation on a Dispute assigned to you, should they contact you or the mediating Judge?**  
The parties should contact me to cancel or postpone a voluntary mediation.
- 14. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**  
The request should be made no later than seven days prior to the mediation.
- 15. What else should the parties know or do before the mediation?**

**REQUESTS/MISCELLANEOUS**

**1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?**

Continuance requests and extension requests need to be made at least a week prior to the hearing. Any request uploaded in WCAIS needs to contain a letter with an explanation/reason for the request.

**2. Under what circumstances do you conduct off the record conference calls?**

A conference call will be conducted in rare cases. A disputed issue should be addressed on the record during a hearing.

**3. Under what conditions/circumstances do you accept e-mails from parties?**

Emails may be sent to my secretary or in response to an email from me.

**4. Do you adhere strictly to the duration listed for a Hearing or Mediation?**

Yes.

**5. What is the best way to contact you in an emergency situation?**

Email to my secretary or uploading a letter or request in WCAIS.

**6. What is your snow/emergency cancellation policy regarding in-person and virtual events (i.e., do you follow a specific school district closing schedule, etc.)?**

Information regarding cancellation and/or delayed start of hearings will be posted on the WCAIS dashboard.